United Nations CRC/C/OPAC/AGO/Q/1/Add.1

Convention on the Rights of the Child

Distr.: General
29 March 2018
English
Original: Spanish
English and Spanish only

Committee on the Rights of the Child
Seventy-eighth session
14 May–1 June 2018
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Angola under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Addendum

Replies of Angola to the list of issues*

[Date received: 15 February 2018]

* The present document is being issued without formal editing.

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Introduction

1. The Government of Angola (the country's executive authorities) wishes to thank the Committee on the Rights of the Child for the way it carried out its preliminary analysis of the initial report of Angola on its implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

2. The Angolan authorities, in keeping with their extensive cooperation in all areas with the United Nations system, are pleased to submit herewith the replies and the additional information requested.

3. These replies to the list of issues have been produced by the Intersectoral Committee for the Preparation of National Human Rights Reports.

Replies

1. Criminalization of the recruitment and use of children under the age of 18 and measures envisaged to amend related laws, in the context of the current Penal Code reform

4. Under Angolan military law, specifically the Military Service Act (Act No. 1/93 of 31 March 1993) and the National Defence and Armed Forces Act (Act No. 2/93 of 26 March 1993), recruitment may only be carried out by services that are established by law, which presupposes that such services are supervised. Meanwhile, citizens over 18 years of age are issued with proofs of registration for military service (using the "Modelo 04" form) and of extension of service. Since the end of the armed conflict in 2002, the military register has been used to monitor reserves of human resources and to facilitate the regular and qualitative renewal of armed forces personnel, in accordance with needs.

5. The military justice system is applied only to military personnel and for crimes envisaged under the specific legislation.

6. The commission responsible for the reform of the Penal Code is currently checking that all standards established in the international human rights treaties ratified by Angola have been incorporated into the Penal Code.

2. Definition of recruitment of children under the age of 15 years as a war crime; ratification of the Rome Statute of the International Criminal Court and the application of military penal law to minors aged 16 and 17 years

7. Angola is a signatory to the Rome Statute of the International Criminal Court but has not advanced further in that process due to the identification of certain provisions that are incompatible with its Constitution.

8. According to article 391 (b) of the draft Penal Code, in the part on war crimes, the recruitment of children is prohibited and punishable by 5 to 16 years' imprisonment. This article is aligned with the principles of international humanitarian law and with the provisions of the Rome Statute.

3. Dissemination of the Optional Protocol

9. The Ministry of Justice and Human Rights, in a joint project with the European Union and the United Nations Children's Fund (UNICEF), has organized annual courses for law enforcement and judicial officials. In 2017, for example, about 150 such officials, from judges and prosecutors to officers from the Prison Service and the Criminal Investigation Department and social workers, received training. A special course on

juvenile justice, in which all the norms relating to the promotion and protection of the rights of the child, including those under the Optional Protocol, were analysed, was organized for trainers.

10. The adoption of a national strategy for human rights education, which is aimed at a number of sectors (the education sector, from primary school to higher education, the justice system, the medical system, the civil service and other key sectors), is under way. The strategic document is complete and has been adopted by the relevant sectors; adoption by the Council of Ministers is pending.

11. In the meantime, various educational initiatives in the field of human rights (including the rights of the child and the Optional Protocol) have been undertaken:

(a) Introduction of a course on human rights at the Higher Institute of Police and Criminal Sciences;

(b) In-service training programmes for law enforcement personnel;

(c) Publication of a human rights handbook for the national police in conjunction with international organizations (three editions);

(d) Introduction of a course on human rights in the National Institute of Judicial Studies (for future civilian and military judges).

12. The Ministry of Justice and Human Rights published and distributed 1,000 copies of a book on children's rights in which the Convention and the Optional Protocols thereto are reproduced along with explanatory commentary.

4. Strengthening of the civil registration system and the availability of psychosomatic tests carried out by qualified personnel

13. The President of Angola issued Presidential Communiqué No. 80/13 of 5 September 2013 and Executive Decree No. 309/13 of 23 September 2013, in accordance with which procedures aimed at initiating the process of birth registration and the issuing of identity cards are exempt from fees (one of the main barriers identified).

14. In the light of the Communiqué, a total of 6,599,897 child and adult citizens were registered throughout the country between September 2013 and December 2017. Of these, 3,010,058 were male and 3,589,779 female (54.3 per cent of the total).

Table 1
Civil registration by province, September 2013 to 29 December 2017

Province	*Male*	*Female*	*Total*
Bengo	31 440	51 625	83 065
Benguela	259 645	287 708	547 353
Bié	135 165	139 493	274 658
Cabinda	46 506	48 097	94 603
Cunene	149 229	455 051	604 280
Huambo	214 759	291 903	506 662
Huila	214 480	226 172	440 652
Kuando Kubango	114 097	119 341	233 438
Kwanza Norte	73 760	71 826	145 586
Kwanza Sul	228 984	272 772	501 756
Luanda	884 499	919 236	1 803 735
Lunda Norte	69 424	68 570	137 994
Lunda Sul	42 411	51 137	93 548
Malanje	98 482	98 222	196 704

Province	*Male*	*Female*	*Total*
Moxico	179 407	198 760	378 167
Namibe	54 160	58 097	112 257
Uige	178 083	179 908	357 991
Zaire	35 527	51 861	87 388
Total	**3 010 058**	**3 589 779**	**6 599 837**

Source: Ministry of Justice and Human Rights.

15. The "Achieving Universal Registration" and "Newborn Citizen" campaigns are under way and aim to improve rates of registration and to eradicate barriers by bringing registry services closer to citizens through the deployment of mobile units, the establishment of registration units in maternity hospitals and the training of traditional midwives in pre-birth registration, with the support of UNICEF and the European Union.

5. Support provided to girls abducted during the conflict and their children for their physical and psychosocial reintegration

16. The information whereby an estimated 30,000 girls were abducted by parties to the civil war that ended in 2002 and used as wives or sex slaves, and that many of them had children as a result of those abuses, does not fit the context of the period of war experienced in Angola.

17. In this respect, the Government has always paid close attention to the people who lived through the horrors of war, implementing several social support and reintegration programmes for veterans and beneficiaries including not only adults but also children in their capacity as heirs.

18. The Government would like to know the source of the Committee's information regarding the girls in question.

6. Demining and the provision of medical and psychological support to child victims of land mines

19. The National Intersectoral Commission for Demining and Humanitarian Assistance, created by Presidential Decree No. 54/2001, oversees national activities to raise awareness of the mine threat, survey and evaluate risk areas, mark hazardous areas and carry out demining operations and the disposal and destruction of explosive devices; it also engages in humanitarian assistance, support and social reintegration activities for mine survivors with disabilities.

20. Under article 2 (1) of its rules of procedure, the Commission is defined as an "intersectoral collegial body for the planning, regulation, coordination and monitoring of the activities of national, international, public and private institutions involved in mine clearance, mine risk education and mine victim assistance, support and social reintegration".

21. With the emergence of the Commission, the mine action sector and the demining component in particular have been able to count on several partners, including three public operators (the respective brigades of the National Demining Institute, the armed forces and the border police), international non-governmental organizations (NGOs) and United Nations agencies, for support, technical assistance and institutional training; several domestic and foreign demining companies also operate in Angola. The international NGOs include Norwegian People's Aid, the HALO Trust, Save the Children and the Mines Advisory Group.

22. Mine action by the Government in cooperation with the international community includes activities to prevent or mitigate the harmful effects on populations of anti-personnel mines, anti-tank mines, unexploded ordnance and explosive remnants of war.

23. In the light of strong demand for actions under the Public Investment Programme, additional demining brigades were established and the Executive Demining Commission was set up to coordinate demining operations by the armed forces, the National Demining Institute, the border police and domestic and foreign NGOs.

24. Three types of demining operations are carried out simultaneously in Angola: military, commercial and humanitarian, with greatest emphasis on humanitarian demining. Four approaches or techniques are employed, according to plans prepared in advance and the type of mine to be cleared: manual mine clearance, mechanical mine clearance, use of mine detection dogs and mixed operations.

25. The strategies and priorities of the Executive Demining Commission are: demining of urban perimeters; demining of primary, secondary and tertiary roads and their bridges; demining of agricultural land; demining of water sources; demining of railways; demining of areas where extractive mining activities are carried out; demining in support of the communications sector; demining in support of urban expansion, and the development of operational plans for demining.

Table 2
Overall performance of the Executive Demining Commission, NGOs and commercial demining companies, 1996 to March 2017

Unexploded ordnance	5 955 986
Anti-personnel mines	452 116
Anti-tank mines	26 490
Lethal material (kg)	2 952 900
Various metals (pieces)	13 704 682
Road surface area (m^2)	108 505 355
High voltage power transmission lines surface area (m^2)	7 765 409
Cleared area (m^2)	3 483 653 086

26. Having ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and On Their Destruction in 2002, Angola reported in May 2013 the existence of 1,110 areas suspected of being mined and a further 965 confirmed mined areas. In view of this situation, in December 2012 the Government requested and was granted a five-year moratorium for the continuation of its demining and security operations in mined zones, which are the result of 30 years of civil war, leaving Angola the need to identify areas suspected of being mined and to destroy them by January 2018.

7. Measures to support child refugees from the Kasai region of the Democratic Republic of the Congo who were or may have been the victims of offences under the Optional Protocol

27. The Government of Angola, in cooperation with the agencies of the United Nations system, has afforded protection to child refugees from the Kasai region of the Democratic Republic of the Congo.

28. In that context, 33 minors who were not accompanied by their parents have already been placed with substitute families or foster mothers, selected from among citizens.

29. A "child-friendly" space operates at the Lóvua reception centre, benefiting more than 210 children under 5 years of age through the provision of play activities. Adolescents attend classes to learn the Portuguese language.

30. The centre also provides pregnant women with antenatal care and psychosocial support and those diagnosed with HIV/AIDS undergo a programme of medical treatment for the prevention of vertical transmission. Education and awareness-raising activities on hand-washing, the proper use of latrines and the handling of solid waste are also under way.

31. In addition to the above-mentioned protection, refugees also benefit from support services including the provision of food, drinking water, clothing, health care and security.

8. Children who were or may have been involved in armed conflict among the asylum-seeking and refugee communities and the implementation of programmes for their physical and psychosocial recovery

32. A register is kept of 11 minors who belonged to Congolese militias involved in the armed conflict. This group was put together by the team of the Government of Angola and the Office of the United Nations High Commissioner for Refugees, which are working together at the reception centre for refugees.

33. These 11 minors are protected under humanitarian law. They cannot stay at the refugee camp because their lives might be in danger if they are recognized by other refugees.

34. The United Nations is responsible for their situation and is seeking to arrange for their transfer to other, safer areas so that they can live a normal life, free from persecution.

9. Measures taken to prevent the recruitment and use of children in Cabinda

35. Since the signing of a peace agreement in Namibe in 2007, there has been neither armed conflict nor presence of armed groups in Cabinda. No children were encountered in the process of reintegrating the veterans of the Frente de Libertação do Enclave de Cabinda/Forças Armadas de Cabinda.

10. Extraterritorial jurisdiction for crimes covered under the Optional Protocol and specific legislation

36. As a rule, the crimes covered under the Optional Protocol, if committed by nationals, are dealt with under Angolan law. If such persons are on foreign soil, then the applicable rules are those set forth under extradition agreements and/or the laws of the country in question.

11. Measures in relation to the arms trade

37. Article 24 of Act No. 3/14 of 10 February 2014 on crimes underlying money laundering regulates arms trafficking and the penalties for such practices.

38. Through Resolution No. 36/16 of 2 August 2016 and Letter of Accession No. 8/16, Angola approved the ratification of the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly.

39. Moreover, the National Authority for Arms Control and Disarmament was established as the entity responsible for domestic implementation, support and oversight of international treaties and conventions on arms and disarmament (Presidential Decree No. 47/17 of 17 March).